

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KRISTINA MIKHAYLOVA,

Plaintiff,

-against-

BLOOMINGDALE'S, INC., BLOOMINGDALE'S, INC. d/b/a BLOOMINGDALE'S AND FORTY CARROTS, BLOOMINGDALE'S, LLC, BLOOMINGDALE'S, LLC d/b/a BLOOMINGDALE'S NEW YORK, MACY'S, INC., MACY'S, INC. d/b/a MACY'S OF NEW YORK, UNITED STOREWORKERS RETAIL, WHOLESALE AND DEPARTMENT STORE UNION AFL-CIO LOCAL 3 a/k/a LOCAL 3 UNITED STOREWORKERS RWDSU/UFCW, DENNIS DIAZ, individually, CHRISTOPHER CASTELLANI, individually, RICHARD LAW, individually, and BOBBY BOOKER, individually,

Defendants.

Civil Action No. 1:19-cv-08927-GDB

**AFFIRMATION IN SUPPORT OF
PLAINTIFF'S MOTION
TO ALTER OR AMEND
JUDGMENT**

I, MELISSA MENDOZA, ESQ., an attorney duly admitted to practice law before the Courts of the State of New York and Southern District of New York, hereby affirms the following under penalty of perjury:

1. I am an attorney with the law firm of Derek Smith Law Group, PLLC, attorneys for the Plaintiff, KRISTINA MIKHAYLOVA ("Plaintiff" or "MIKHAYLOVA") in the above-entitled action and as such I am fully familiar with the facts and circumstances hereof.
2. I respectfully submit this Affirmation and Memorandum in Support of Plaintiff's Motion to Alter or Amend Judgment pursuant to Federal Rules of Civil Procedure 59(e).

3. For the reasons set forth herein and in the accompanying Memorandum of Law, Plaintiff's Motion to Alter or Amend Judgment should be granted and Plaintiff's pregnancy, sex/gender, and disability discrimination, retaliation, failure to accommodate claims under the New York State Human Rights Law, N.Y. Exec. Law 278 (NYSHRL) and the New York City Administrative Code 8-107 ("NYCHRL") should be dismissed without prejudice.

WHEREFORE, it is respectfully requested that the Court grant her motion to alter or amend the Court's judgment to dismiss Plaintiff's pregnancy, sex/gender, and disability discrimination, retaliation, failure to accommodate claims under the New York State Human Rights Law, N.Y. Exec. Law 278 (NYSHRL) and the New York City Administrative Code 8-107 ("NYCHRL") without prejudice.

Dated: December 11, 2023
New York, New York

DEREK SMITH LAW GROUP, PLLC
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